

Mr. Throckmorton introduced a bill to legalize the official acts of the county officers of Montague county. Read 1st and 2nd times and referred to the committee on the Judiciary.

Mr. Potter introduced a bill relating to the pay of grand and petit jurors in Harrison county. Read 1st time.

On motion of Mr Potter, rule suspended, read 2nd time and ordered to be engrossed, rule further suspended, read 3rd time and passed.

Mr. Stockdale moved to reconsider the vote which laid on the table, bill to provide for the election of Representatives to Congress of the United States and amendments thereto and to lay that motion on the table until Monday. Carried.

Mr. Hart moved to adjourn until to-morrow 10 o'clock. Lost.

Mr. Guinn moved to adjourn until 9 o'clock, to-morrow. Lost by the following vote :

YEAS—Messrs. Fall, Guinn, Hart, Herbert, Martin, Parsons, Scarborough Sims, Throckmorton and Wallace—11.

NAYS—Messrs. Blanch, Chambers, Dickinson, Gentry, Harman, Hyde, Pitts, Potter, Quinan, Rains, Rainey, Schleicher, Shepard, Stockdale, Townes, Walker and Whaley—16.

On motion of Mr. Shepard the Senate adjourned until 1-2 past 9 o'clock, to-morrow morning.

SATURDAY, January 28th, 1863.

Senate met pursuant to adjournment. Prayer by the Chaplain—roll called—quorum present.

The journal of yesterday was read and adopted.

Mr. Britton presented the petition of John Brown and Wm. Davenport for money. Referred to the committee on Claims and Accounts.

Mr. Duggan presented the petition of sundry citizens of Guadalupe county in relation to the boundary line of said county. Referred to the committee on Counties and County Boundaries.

Mr. Guinn, chairman of the committee on Claims and Accounts, to whom was referred a bill for the relief of the widow and heirs of Lorenzo DeZavalla, reported the same to the Senate and recommended its passage.

Mr. Guinn, chairman of the committee on Claims and Accounts, to whom was referred a House bill for the relief of Richard B. Wardrup, reported the same to the Senate and recommended its passage.

Mr. Duggan, chairman of the committee on Counties and

County Boundaries, to whom was referred the petition of a large number of the citizens of the counties of Bexar and Karnes, for the creation of a new county, reported the accompanying bill creating the county of Wilson, "named in honor of the Rev. Jas. C. Wilson," and recommended its passage. Read 1st time.

Mr. Harman, from the committee on Private Land Claims, to whom was referred a House bill for the relief of the heirs of Wm. L. Fleming, a settler in Mercer's colony for 640 acres of land, reported the same to the Senate and recommended its passage.

Mr. Grimes, chairman of the committee on Finance, to whom was referred a bill making amendments to an act to provide for the assessment and collection of taxes, approved 11th February, 1850, reported the bill with amendments and recommended the adoption of the amendments and the passage of the bill.

Mr. Stockdale presented the petition of H. W. Harves and others, in relation to certain lands on Kempers island. Referred to the committee on Public Lands.

Mr. Townes presented the petition of E. B. Russell for land. Referred to the committee on Private Land Claims.

Mr. Townes introduced a bill for the relief of E. B. Russell. Read 1st and 2nd times and referred to the committee on Private Land Claims.

Mr. Scarborough introduced a bill to incorporate the city of Brownsville, approved February 7th, 1853. Read 1st and 2nd times and referred to the committee on the Judiciary.

Mr. Grimes introduced a bill to define the salary of accountant in the Comptroller's office. Read 1st time.

Mr. Walker offered the following resolution :

Resolved, That a committee on Mileage to consist of three Senators, be appointed with instructions to report to the Senate, the mileage to which each Senator is entitled. Adopted.

Messrs. Walker, Guinn and Sims were appointed such committee.

Mr. Townes, from the committee on Enrolled Bills, reported that the committee had examined an act to incorporate the Air-line Railroad Company, and find the same correctly enrolled and duly signed and that it was this day presented to the Governor.

Mr. Hyde, chairman of the committee on Private Land Claims, to whom was referred a bill for the relief of Richard N. Williams, reported the bill to the Senate and recommended its passage.

Mr. Hyde, chairman of the committee on Private Land Claims, made the following reports :

The committee on Private Land Claims, to whom was referred the petition of Harman Tracy, have considered the same, and

find that he emigrated to the country in May, 1836, and joined the army in July and served until August, when he left on account of sickness, for the United States, and returned with his family in April, 1859, and has lived in the country ever since, for which he is entitled to a headright certificate of 640 acres. They therefore instruct me to return the same with the accompanying bill and recommend its passage.

A bill for the relief of Harman Tracy. Read 1st time.

The committee on Private Land Claims, to whom was referred a House bill for the relief of W. D. Langham, have considered the same, and instruct me to return the bill and recommend its passage.

The committee on Private Land Claims, to whom was referred the petition of Samuel Everett, have examined the same and find that the prayer of the petitioner should be granted. They have therefore instructed me to report the accompanying bill and recommend its passage.

A bill for the relief of Samuel Everett. Read 1st time.

The committee on Private Land Claims, to whom was referred the House bill for the relief of the heirs of Addison Litton, report that they have had the same under consideration, and are satisfied that they are entitled to the relief provided for by the bill. They therefore recommend the passage of the bill.

The committee on Private Land Claims, to whom was referred the House bill for the relief of William DeWoodey, report that they have had the same under consideration, and are satisfied that he is entitled to the relief granted in the bill. They therefore recommend the passage of the bill.

The committee on Private Land Claims, to whom was referred the House bill for the relief of Sarah Miles, have instructed me to report the same to the Senate, together with the accompanying report of the committee of the House, which contains all the facts in the case for the consideration of the Senate.

The committee on Private Land Claims, to whom was referred the House bill for the relief of Thomas J. Smith, have considered the same, and instruct me to report the bill back with the accompanying report of the committee of the House, which contains the facts of the case, for the consideration of the Senate.

The committee on Private Land Claims, to whom was referred the House bill, donating one league of land each to Dennis Mead, Richard Mead and — Eastland, have instructed me to report the facts in the case for the consideration of the Senate.

The Messrs. Meads were residing in the city of Guanajuato, in the Republic of Mexico in the year 1842, and during that year

various citizens of Texas belonging to the Santa Fe expedition, and who were then prisoners of war on their way to the dungeons of Mexico. On their arrival in the said city of Guanajuato, many of said prisoners, were sick and destitute, and they were taken care of and furnished with clothing, blankets, provisions and other necessities, by the said Meads, who were then rich, but upon the breaking out of the war between the United States and Mexico, they were compelled to flee the country on account of such services rendered to our countrymen, although they were Irishmen, they fled to Texas, where they are now living with their families and are very poor. The Mr. Eastland whose christian name the committee have ascertained to be Thomas B. is the brother of Captain Eastland who was one of the Mier prisoners, who drew a black bean and was massacred. The said Thos. B. was residing in New Orleans at the time of the arrival of many of the Mier prisoners from Vera Cruz, who having no means of returning to their homes, he paid their passage from New Orleans to Galveston upon the steam packet. They therefore recommend the following amendment.

Add "Thomas B." before Eastland in the caption and the bill and they submit the bill for the consideration of the Senate.

Mr. Parsons, from the committee on the Judiciary, to whom was referred a bill to prevent the sale of vinous, spirituous and other intoxicating liquors, within one mile of the towns of New London in Rusk county, Veales Station in Parker county, and Mt. Enterprise in Rusk county, reported the same to the Senate and recommended its passage with the following amendment.

Amend by striking out the second section.

Mr. Stockdale, chairman of the committee on Enrolled Bills, made the following report :

The committee on Enrolled Bills, have examined the following bills :

A bill for the relief of Mrs. William Gamble late widow of John Carroll.

And a bill to establish the time of holding the courts in the twelfth judicial district. They find the same correctly enrolled, properly signed, and they were this day presented to the Governor.

Mr. Lott introduced a bill to authorize Railroad companies to locate their roads and other purposes. Read 1st and 2nd times and referred to the committee on Internal Improvements.

Mr. Britton, chairman of the committee on the Militia, reported the accompanying bill and recommended its passage.

A bill amendatory of and supplemental to an act entitled an

act to organize the Militia of the State of Texas, approved April 21st, 1846. Read 1st and 2nd times and made the order of the day for Tuesday the 31st inst.

Mr. Erath, from the committee on Private Land Claims, to whom was referred a House bill for the relief of John S. Wilson, T. N. Robertson and the heirs of Mark Copeland, deceased, reported the bill to the Senate and recommended its passage.

Mr. Rainey, from the committee on Internal Improvements, to whom was referred a bill to incorporate the Trinity Valley Railroad Company, reported the same to the Senate and recommended its passage.

Mr. Guinn, from the committee on Private Land Claims, to whom was referred a House bill for the relief of the heirs of Shelby Corzine, made the following report:

The committee have considered the bill, and find that it is predicated upon a judgment purporting to have been rendered on the 8th of March, 1838, by the district court of San Augustine county. The committee find that it was the duty of the clerks to report all judgments rendered by these courts to the commissioner of the General Land Office.

They further report, that they have examined, and find that the clerk of that county did not report the judgment named in the bill in the year 1838. Do we know that it was reported to the proper department. They report that much fraud has been committed in said county on the subject of land certificates, and that many league certificates have issued upon forged judgments, and the committee think they find enough of doubt thrown over and around this claim, to ask that the same be rejected by the Senate.

On motion of Mr. Britton, a bill to incorporate the Corpus Christi Bay and Brazos St. Iago Harbor Canal was taken up. Read 2nd time and ordered to be engrossed. Rule suspended, read 3rd time and passed by the following vote :

YEAS—Messrs. Blanch, Britton, Dickinson, Duggan, Fall, Grimes, Guinn, Harman, Hart, Hyde, Lott, Martin, Parsons, Pitts, Scarborough, Schleicher, Shepard, Sims, Stockdale, Throckmorton, Townes and Walker—23.

NAYS—none.

On motion of Mr. Blanch, a bill supplementary to a bill supplementary to an act to amend the caption and the 1st and 16th sections of an act to incorporate the Texas Western Railroad Company, on report of the committee on Internal Improvements recommending a substitute was taken up and substitute adopted.

Mr. Guinn moved to strike out all that relates to the special

school fund, upon which the yeas and nays were called and stood as follows :

YEAS—Messrs. Fall, Gentry, Guinn, Harman, Hart, Herbert, Quinan, Sims, Throckmorton and Whaley—10.

NAYS—Messrs. Blanch, Britton, Chambers, Dickinson, Duggan, Erath, Hyde, Lott, Martin, Parsons, Paschal, Pitts, Potter, Rains, Rainey, Scarborough, Schleicher, Shepard, Stockdale, Townes and Walker—21.

Mr. Quinan offered the following amendment :

Provided that nothing in this act shall be so construed as to extend, preserve, revive, or renew, the chartered powers and privileges of the said company, if the same have from any cause hitherto become liable to forfeiture. “ And after such connection there shall be but one reservation of land allowed upon such road under all their charters.” “ The said company shall not be entitled to any reservation of lands upon the branch road which by this act they are authorized to construct.” Adopted.

The bill was then ordered to be engrossed.

On motion of Mr. Blanch, the rule was suspended, bill read 3rd time and passed by the following vote :

YEAS—Messrs. Blanch, Britton, Chambers, Dickinson, Duggan, Erath, Fall, Gentry, Hyde, Lott, Martin, Parsons, Paschal, Pitts, Potter, Rains, Rainey, Scarborough, Schleicher, Shepard, Throckmorton, Townes and Walker—23.

NAYS—Messrs. Guinn, Harman, Hart, Herbert, Quinan, Sims, and Whaley—7.

Mr. Walker moved to take up the report of the special committee on a bill to locate permanently the seat of justice of Tarrant county. Carried.

Mr. Throckmorton moved to refer the bill to the committee on County and County Boundaries. Lost by the following vote :

YEAS—Messrs. Britton, Hyde, Shepard and Throckmorton—4

NAYS—Messrs. Chambers, Dickinson, Duggan, Erath, Fall, Gentry, Grimes, Guinn, Harman, Hart, Herbert, Lott, Martin, Parsons, Paschal, Pitts, Potter, Quinan, Rains, Rainey, Scarborough, Sims, Stockdale, Townes, Walker, Wallace and Whaley—27.

The question on the engrossment of the bill was then taken and carried by the following vote :

YEAS—Messrs. Chambers, Dickinson, Fall, Gentry, Guinn, Harman, Hart, Lott, Martin, Pitts, Rains, Rainey, Scarborough, Schleicher, Sims, Throckmorton, Townes, Walker, Wallace and Whaley—20.

NAYS—Messrs. Britton, Duggan, Grimes, Herbert, Hyde, Paschal, Potter, Quinan, Shepard and Stockdale—10.

A message was received from the House, that the House had passed the following bills :

A bill to revive an act to incorporate the LaGrange Collegiate Institute.

A bill to incorporate the Texas Mutual Insurance Company, at Boston.

A bill to incorporate the Alamo Fire Association.

A bill for the relief of George Morrison.

A bill supplemental to an act to change the times of holding courts in the 10th and 14th judicial districts, and to amend 2nd section of an act to change the time of holding courts in said districts.

A bill to incorporate the trustees of the Baptist State Convention.

A bill for relief of Myram Mudgett, Daniel Kitchings, A. L. Spencer and E. G. Cantwell.

And the following Senate bills :

A bill authorizing the corporate authorities of the town of Daingerfield, to tax ten pin alleys, billiard tables or pistol galleries, with amendments.

A bill to incorporate the Navarro Agricultural and Mechanical Association.

And a bill to validate the county seal of Young county.

And that the House concurs in Senate's amendments to a bill to incorporate the German English school at San Antonio.

Also that the House had passed the following House bills :

A bill to change the boundary line between the counties of Hardin and Liberty.

A bill to regulate the time of holding courts in the eighteenth judicial district.

A bill to authorize the county court of Llano county to transcribe certain records.

The amendments of the House to the following Senate bills were concurred in:

A bill to incorporate the Columbus, San Antonio and Rio Grande Railroad Company, passed February 16th, 1858.

A bill to incorporate the Columbus Tap Railway Company.

The following message was received from the Governor :

EXECUTIVE DEPARTMENT, }
January 27th, 1860.

GENTLEMEN OF THE SENATE

AND HOUSE OF REPRESENTATIVES :

I desire to call the attention of the Legislature to the present contract made with John Marshall, for the public printing.

Section 17th of the act to regulate the public printing declared.

SEC. 17. That no bill shall be accepted by the Secretary of State for the public printing exceeding the rate of one-sixth of a cent per page for the laws, and one-fourth of a cent per page for the journals ; one-third of a cent per page for five hundred copies of the Message of the Governor, reports of the Secretary of State, Comptroller of Public Accounts, Auditor, Treasurer of the State, Superintendent of the Penitentiary, and all such like printing that may be ordered by the Legislature or either House thereof, to be printed on the same size sheet and type as is required for the journals, and one-fourth of a cent per page for each additional five hundred copies of said Message and other documents ; for printing two hundred copies of bills, resolutions or memorials, printed on pica type, the lines numbered on the margin, with a space between the lines of the size of pica, and on foolscap paper with four pages to a sheet, the sum of two dollars and fifty cents per page for the number of pages in one copy thereof ; for printing Executive Proclamations, advertisements, and such like documents, fifty cents per square of ten lines for the first insertion and twenty-five cents per square for each succeeding insertion that may be ordered ; for the printing of proclamations and proposed amendments to the Constitution, the sum of fifty cents per square for each insertion, and such publications shall not be inserted in any type larger than bourgeois, and each square shall contain not less than two hundred ems.

The bid presented by John Marshall and accepted by the Secretary of State, Comptroller and Treasurer, is in my opinion in direct conflict with this section of the act in several particulars, the most important of which I will mention.

That portion of the proposal which specifies the rates at which he will print reports and documents ordered by the Legislature is as follows : I will print 100 copies of reports and documents, ordered by the Legislature at one and a half cents per page ; one cent per page for second and third hundred, and 1-2 cent per page for fourth hundred, and 1-3 cent per page for fifth hundred, and for all over that number 1-4 of a cent per page.

A reference to the law given above, will show that no bid

shall be *accepted* upon this class of work *at a higher rate than 1-3 cent per page for five hundred copies*. The report of the superintendent of the State Penitentiary, before me 500 copies of which were ordered to be printed for the use of the Senate, may be cited to illustrate how far this bid accords with the law. It is 64 pages long and according to the contract will cost as follows :

1st	100	copies	64	pages	at	$\frac{1}{3}$	ct.	per	page	96	c'ts	per	copy	\$96,00
2nd	100	"	64	"	"	$\frac{1}{3}$	"	"	"	64	"	"	"	64,00
3rd	100	"	64	"	"	$\frac{1}{3}$	"	"	"	64	"	"	"	64,00
4th	100	"	64	"	"	$\frac{1}{2}$	"	"	"	32	"	"	"	32,00
5th	100	"	64	"	"	$\frac{1}{2}$	"	"	"	21 $\frac{1}{2}$	"	"	"	21,33

Total for 500 copies,

\$277,33

According to the law, the highest price that can be paid is, 500 copies 64 pages at 1-3 cent per page 21 1-3 cents per copy \$106,66. The contract therefore allows upon the pamphlet \$170,67, more than the extreme limit of the law. The manifest irregularities of this contract, is to be seen in the fact that besides being in contravention of law it allows for a smaller number a much greater price than for a larger one. After the first 500 copies a quarter of a cent per page is allowed for all over that number, so that if the legislature in a spirit of economy should order the 300 copies of the above report the cost would be \$224,00 while if they ordered 1000 copies the cost would be but \$186,66. The law is clear and explicit, and declares that *no bid shall be accepted at a higher rate than 1-3 cent per page for 500 copies* ; and although the law does not provide for a less number. The conclusion is evident that the legislature did not intend that a contract should be made, by which 300 copies would cost more than 1000. In the bond made by John Marshall the following clause is to be found:

" And whereas it is distinctly understood that should more than 500 copies of any report or document of any kind be required (except the laws, journals, bills and resolutions) that the first 500 copies are to be charged for at the rate of one-third of a cent per page, and if less than 500 copies be ordered then each 100 copies are to be charged for at the above specified rates. It will be seen that this provision only applies when more than 500 copies are ordered, leaving the bid in full force, with respect to that number or less. It forms no part of the bid and does not release its apparent inconsistency with the law. Nothing of this kind is to be found in the proposal made by John Marshall. The next clause of the proposal is equally exceptionable, viz :

"I will print the bills on pica type ("see section 3, in printing act, approved November 29th, '59") or its equivalent at two and a half cents per page for the first one hundred copies and two and a quarter cents per page for each additional hundred."

A reference to the section of the law quoted above will show the limit to be "for printing two hundred copies of bill, resolutions or memorials, printed on pica type, the lines numbered on the margin, with a space between the lines of the size of pica and on foolscap paper, with four pages to a sheet, the sum of two dollars and fifty cents per page for the number of pages in one copy thereof."

By the above bid two hundred copies of a bill or resolution of four pages would cost as follows :

1st	100 copies	4 pages	2½ cts. per page	10 cts. per copy	\$10,00
2nd	100 "	4. "	2¼ " "	9 " "	9,00

Total cost for 200 copies	\$19,00
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Whereas the highest price the law would allow for 200 copies 4 pages in length would be	\$10,00
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It requires no argument to show that this is a clear infraction of law, nor is the bid less so with reference to the printing of reports and documents ordered by the legislature. A reference to the bill presented by the public printer for printing the 200 copies of the report of the State Geologist, ordered to be delivered to the State Department, will show that the terms set forth in the "bid" are there sustained. The interest of the people of the State at large, demand that this contract so directly contravening the law shall be cancelled. The Executive is sworn to see the laws faithfully executed. If the government is a farce and the law of no binding force, he might be excused for not calling the attention of the Representatives of the people to the conditions of this contract; but regarding the duties imposed upon him, as of the most solemn character he is constrained to ask at the hands of your honorable body such action as the facts may seem to justify.

SAM HOUSTON.

Mr. Britton moved to refer to special committee of five.

Mr. Potter moved to refer the message to the committee on Printing and Contingent Expenses, which was lost by the following vote :

YEAS—Messrs. Dickinson, Duggan, Guinn, Herbert, Lott, Parsons, Pitts, Potter, Quinan, Rainey, Shepard, Sims, Stockdale and Throckmorton—14.

NAYS—Messrs. Britton, Chambers, Gentry, Grimes, Hart,

Hyde, Martin, Paschal, Rains Scarborough, Schleicher, Townes, Walker and Whaley—14.

The President voted nay—1—15.

Mr. Herbert moved to refer to committee on the Judiciary.

Mr. Hart moved to lay the motion on the table. Carried.

Mr. Hyde moved to reconsider the vote which refused to refer to committee on Printing, pending which Mr. Lott, moved to adjourn until 10 o'clock, Monday morning. Lost.

Mr. Herbert moved to adjourn until 1-2 past 9 o'clock, on Monday morning. Lost by the following vote :

YEAS — Messrs. Duggan, Guinn, Herbert, Hyde, Lott, Rainey, Sims and Townes—8.

NAYS—Messrs. Blanch, Britton, Chambers, Dickinson, Erath, Gentry, Grimes, Harman, Hart, Martin, Parsons, Paschal, Pitts, Potter, Quinan, Rains, Scarborough, Schleicher, Shepard, Stockdale, Throckmorton, Walker and Whaley—23.

The question recurring on the reconsideration of the vote which refused to refer to the committee on Printing, was taken and carried by the following vote :

YEAS—Messrs. Blanch, Chambers, Dickinson, Duggan, Guinn, Harman, Herbert, Hyde, Lott, Parsons, Pitts, Potter, Quinan, Rainey, Shepard and Stockdale—16.

NAYS—Messrs. Britton, Gentry, Grimes, Hart, Martin, Paschal, Rains, Scarborough, Schleicher, Throckmorton, Townes and Whaley—12.

On motion of Mr. Townes, the Senate adjourned until 5 minutes to 10 o'clock, Monday morning.

MONDAY, January 30th, 1860.

Senate met pursuant to adjournment. Prayer by the Chaplain—roll called—quorum present.

The journal of Saturday was read and adopted.

Mr. Stockdale, chairman of the committee on Enrolled Bills, made the following reports :

The committee on Enrolled Bills, have examined the following bills, viz :

A bill to legalize the marriage of C. B. & M. E. Wood.

A bill for the relief of Andrew Mason assignees of Robert N. Andrews.

A bill to incorporate the German English School of San Antonio.

A bill for the relief of John Hearn.